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Via ECF Filing Only

The Honorable J. Paul Oetken
United States District Court
40 Foley Square
New York, New York 10007

Re: Thomas A. Callahan *et al.* v. Ainsworth Cummings
Civil Case No. 20-CIV-5814 (JPO) (SN)

Dear Judge Oetken:

Our office represents Plaintiffs Thomas A. Callahan, James T. Callahan, Michael Salgo and William Tyson, in their capacity as the Board of Trustees of the Annuity Fund of the International Union of Operating Engineers Local 15, 15A, 15C & 15D, AFL-CIO in connection with the above-captioned matter. Earlier today, and prior to the entry of the default judgment (Docket No. 17), the undersigned was advised by the Fund Administrator for Plaintiff Local 15 Annuity Fund that the defendant had been in contact with Plaintiffs and the parties were close to amicably resolving the case. Subsequent to the entry of the default judgment, the undersigned spoke with the Fund Administrator again and learned that the parties had reached an amicable resolution. Due to such resolution, Plaintiffs respectfully request that the default judgment entered today be vacated in accordance with Rule 60(b)(6) of the Federal Rules of Civil Procedure. Upon the default judgment being vacated, Plaintiffs shall promptly file a notice of voluntary dismissal pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Thank you for your attention to this matter.

Granted. The default judgment at Docket Number 17 is hereby vacated and the case is reinstated.

So ordered: September 17, 2020

Respectfully submitted,

/s/ James M. Steinberg

James M. Steinberg, Esq.


J. PAUL OETKEN
United States District Judge